

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 463
Tuesday, December 18, 2018, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutchinson, V.Chair	Charney, Chair	Miller	Tosh, County
Crall, Secretary	Dillard	Ulmer	
Johnston		R. Jones	
		Sparger	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 12th day of December, 2018 at 5:00 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Hutchinson called the meeting to order at 1:30 p.m.

MINUTES

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **APPROVE** the Minutes of November 20, 2018 (No. 462).

Mr. Hutchinson explained to the applicants and interested parties that there were only three board members present at this meeting. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one or two board members voted no today the application fails. Mr. Hutchinson asked if anyone would like to continue their case and if they understood. The audience nodded their understanding and no one requested a continuance.

Ms. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

UNFINISHED BUSINESS

2722—Family Fellowship Church, Inc.

Action Requested:

Special Exception to permit an accessory building at a church (Use Unit 5) in an RS District (Section 410). **LOCATION:** 6105 West 36th Street South

Presentation:

James Kent, 4503 South 49th West Avenue, Tulsa, OK; stated he would like to place a building behind the existing church for additional Sunday school classrooms. The building would be a 44'-0" x 28'-0" double wide mobile home that was a former two room office building and it will be converted for the church purposes.

Mr. Hutchinson asked Mr. Kent if the mobile home would be attached to the church. Mr. Kent stated that it will not be attached, and it would be set up similar to a mobile home. There are no bathrooms in the mobile home and the only requirement to make it a classroom is the electricity, air conditioning and heating.

Mr. Hutchinson asked staff if there were any other requirements that need to be met for this proposed building. Ms. Tosh stated there have been similar instances, and if it is part of the main complex it is considered an accessory use so it would not be necessary to require bathroom facilities. Ms. Tosh stated there are some fire code requirements.

Mr. Kent stated that he has spoken with the Berryhill Fire Chief and he looked at the existing building and he did not see any problems with the proposed building.

Mr. Crall asked Mr. Kent how far the proposed building would be placed from the fence. Mr. Kent stated there is 60 feet between the existing church and the fence so he will place the proposed building wherever he needs to place it to make it legal.

Mr. Crall asked Mr. Kent what the other buildings are used for that are shown on the aerial map. Mr. Kent stated there are two small storage buildings on the property which will be removed. The two little buildings were on the property when he purchased the church three years ago.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney, Dillard “absent”) to **APPROVE** the request for a **Special Exception** to permit an accessory building at a church (Use Unit 5) in an RS District (Section 410). Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E227.07 LT 11 BLK 3, BERRY HILL ACRES, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2720—Randy Frailey

Action Requested:

Use Variance to allow Use Unit 27 in an IL and RS District to permit a Salvage Yard (Sections 410 and 910). **LOCATION:** 6702 & 6750 North Peoria Avenue East

Presentation:

Randy Frailey, 6750 North Peoria, Tulsa, OK; stated he is before the Board because his approval from the last hearing has reached its time limitation. Mr. Frailey stated he has operated the salvage on the subject property for about 17 years. During his five-year time limitation, he has cleaned up the property as he was instructed to do at the last meeting with the Board of Adjustment.

Ms. Miller stated the history on this property is that several years ago Mr. Frailey also submitted an application to rezone the RS piece of the subject property. The application was delayed at the County Commission level because they wanted Mr. Frailey to clean up the property because some the stuff was encroaching on the trail. Ms. Miller stated that Mr. Frailey has done that and now she is trying to get the application back to County Commission to clean up the RS piece, so hopefully that piece of property will transition to IL zoning.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney, Dillard “absent”) to **APPROVE** the request for a

Use Variance to allow Use Unit 27 in an IL and RS District to permit a Salvage Yard (Sections 410 and 910). The Board finds the hardship to be that the existing property is already under the existing use and the applicant has shown good intentions about taking care of the site and screening it properly; for the following property:

BG.50'W.NE COR SE SE TH W. 481'SWLY 445'E.545'NLY 440'TO BG. SEC.36-21-12; BEG SECR W/2 NE SE SE TH N220 W266.5 TO E LN RR R/W TH SWLY ALONG RR R/W 222.5 TO SL NE SE SE TH E TO POB LESS S15 THEREOF FOR ST SEC 36 21 12 1.327ACS; S/3 E/2 NE SE SE LESS S15 THEREOF FOR ST & LESS BEG SECR E/2 NE SE SE TH W72 NELY ON CRV LF220 TO NL S/3 E/2 NE SE SE TH E52 TO EL SEC TH S219.9 POB SEC 36 21 12 1.240ACS; BEG 550N & 347.65W SECR SE TH W299 TO E R/W RR TH NELY ALG R/W 111 E279.3 TO PT 660N & 350.2W SECR SE TH SELY111 POB SEC 36 21 12 0.726ACS; BEG 550N & 347.65W SECR SE TH NWLY111 TO PT 350.2W & 660N SECR SE TH E258.2 TO WL HWY SWLY TO PT 550N SL SEC W POB SEC 36 21 12 0.669ACS; BEG 444.5NE ALG E R/W MIDLAND VALLEY RR & CTR BRITTON AVE TH E270 N112.5 W270 S112.5 POB SEC 36 21 12 0.729ACS; BEG 440N & 148.5W SECR SE TH W224.6 NE110.7 TO PT 356.65W EL SEC TH E TO WL ST SWY 11 SWLY TO PT 228.9SWLY FROM PT ON WL R/W 660N & 72W SECR SE TH NWLY10 SWLY5.7 POB SEC 36 21 12 0.618ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2725—James & Linda Barnett

Action Requested:

Special Exception to permit a manufactured home in a RE District (Section 410);

Variance to permit two dwelling units on a single lot of record (Section 208).

LOCATION: 9029 North Yale Avenue East

Presentation:

Linda Diane Barnett, 9029 North Yale Avenue, Sperry, OK; stated the subject property 9.914 acres and she would like to add a manufactured home for another residence to the property.

Ms. Miller stated that the manufactured home the applicant would like to place on the property is a double wide, so there is no need for a Special Exception to permit the manufactured home because a double wide manufactured home is allowed by right.

The Special Exception was withdrawn from the requested relief because it is no longer needed.

Mr. Hutchinson asked Ms. Barnett if she wanted to leave the manufactured home on the property for an extended period of time. Ms. Barnett answered affirmatively.

Ms. Barnett stated that her house is in the middle of the ten acres, and the manufactured home would be for her daughter. Her daughter's husband had a stroke

two years ago and is not in the best of health now. By moving the manufactured home onto the property she would be able to help her daughter.

Mr. Hutchinson asked staff if a double wide manufactured home has the same DEQ requirements as a single wide manufactured home. Ms. Miller nodded her affirmation.

Ms. Tosh asked Ms. Barnett if the manufactured home would be placed on a separate septic system. Ms. Barnett answered affirmatively. Ms. Barnett stated she had a perk test done to know where to place the system.

Mr. Hutchinson asked if the manufactured home would be on a separate water tap and a separate electric meter. Ms. Barnett answered affirmatively; Washington County will allow another tap on the property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Dillard "absent") to **APPROVE** the request for a **Variance** to permit two dwelling units on a single lot of record (Section 208). The Board has found the hardship to be the large tract of land; for the following property:

BEG NWC W/2 SW TH E1323.46 TO NEC W/2 SW TH S330.42 W1323.46 TO PT ON WL W/2 SW TH N330.42 POB LESS W16.5 FOR RD SEC 22 21 13 9.914ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2726—Kristen & Daniel Woody

Action Requested:

Variance of the minimum lot area and land area per dwelling unit requirement in the AG District (Section 310). **LOCATION:** 2578 South 49th West Avenue

Presentation:

Kristen Woody, 2578 South 49th West Avenue, Tulsa, OK; stated she would like to have a second dwelling on the subject property for her elderly aunt so that she could take care of her.

Mr. Hutchinson asked staff if the second dwelling unit would be required to have a separate septic system and utilities. Ms. Tosh answered affirmatively.

Ms. Tosh asked Ms. Woody what type of dwelling unit does she want to place on the property. Ms. Woody stated that it would be a one-bedroom, one bath manufactured home. Ms. Tosh asked Ms. Woody if she was referring to a tiny home. Ms. Woody stated that she is not. The home would be 600 square feet so it will fall under the normal manufactured home dimensions.

Mr. Hutchinson asked Ms. Woody if it was similar to a single wide manufactured home. Ms. Woody answered affirmatively.

Mr. Hutchinson informed Ms. Woody that the manufactured home would have to have tie downs, separate septic system, and the parking surface would need to be concrete and asphalt. Ms. Woody acknowledged her understanding.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Crall asked staff if one acre would be sufficient for the manufactured home. Ms. Tosh stated if the Board grants the Variance it will be.

Board Action:

On **MOTION** of **CRALL**, the Board voted 3-0-0 (Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Charney, Dillard “absent”) to **APPROVE** the request for **Variance** of the minimum lot area and land area per dwelling unit from two acres down to one acre in the AG District (Section 310). The Board has found the hardship to be that it is an elderly family member that requires attention; for the following property:

**BEG SECR SE NE TH W495 N220 E495 S220 POB LESS S30 & E50 SEC 17 19 12
1.94ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

OTHER BUSINESS

Daniel Walden stood and announced he is the Land Zoning Specialist for the Tulsa County Permit Office and is working with Ms. Tosh.

Lucky Airehrour stood and announced he is the Plans Examiner for the Tulsa County Permit Office and is working with Ms. Tosh.

Scott Canavan stood and announced he is the Office Manager for the Tulsa County Inspections Department and is working with Ms. Tosh.

Ms. Tosh stated that everyone will be cross training so that we can all take care of business better.

Ms. Robi Jones stated she is the Community Planner at INCOG, and she has been a Land Regulation Specialist at INCOG for about 18 months; she will be taking the County Board of Adjustment cases from Amy Ulmer.

Ms. Miller stated that the position Robi will be taking has funding that has been approved by the County; she will be working on a new Comprehensive Plan for the County. By Robi working with the County Board of Adjustment will help her get familiar with parts of the County as she works through the different areas for Comprehensive Planning.

Mr. Hutchinson stated that it sounds like the County is doing very well and thinks everyone is doing a fabulous job.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 2:01 p.m.

Date approved: 2-19-19


Chair